

ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION  
BRIAN S. MILLER, JUDGE

DIVISION I

CA06-1183

May 9, 2007

DENEA M. HARDIN  
APPELLANT

v.

HOLIDAY INN-AIRPORT  
WAUSAU UNDERWRITERS INS.  
APPELLEES

AN APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION  
[F510183]

REVERSED AND REMANDED

The Arkansas Workers' Compensation Commission denied appellant Denea Hardin's claim for workers' compensation benefits because it found that there were no objective findings to support her claim. We reverse and remand for further consideration.

Hardin was employed as a waitress at the Holiday Inn Airport in Little Rock on April 27, 2005, when she slipped and fell while assisting a customer. She felt pain in her lower back, left hip, left shoulder, left side of her neck, and right leg; so, she reported her fall to management and sought treatment at an area hospital.

On May 2, 2005, Hardin was treated by Dr. Russell Burton, who noted a popping sound in her right patella. Dr. Burton diagnosed Hardin with a knee strain, back strain, neck strain, and, associated contusion to the right knee. In Hardin's June 16, 2005, follow-up visit, Dr. Burton noted that Hardin's right calf had a "mottled appearance."

Hardin filed a claim alleging that she sustained injuries to her back, hips, spine, right leg, and left hand, and that she developed migraine headaches as a result of her April 27 fall. The ALJ denied Hardin's claim, finding that there were no objective findings supporting Hardin's claim that she sustained compensable injuries. The Commission affirmed and adopted the ALJ's decision. Hardin now appeals.

We reverse the Commission because its opinion fails to address the objective medical findings of Dr. Burton, who found that there was a popping sound in Hardin's right patella with an associated contusion. *See* Ark. Code Ann. § 11-9-102(16)(A)(i) (Supp. 2005) (noting that objective findings are those findings which cannot come under the voluntary control of the patient). Although we view the Commission's findings in the light most favorable to the Commission, *Swift-Eckrich, Inc. v. Brock*, 63 Ark. App. 118, 975 S.W.2d 857 (1998), and are aware that the Commission is charged with weighing the medical evidence, *King v. Peopleworks*, \_\_\_ Ark. App. \_\_\_, \_\_\_ S.W.3d \_\_\_ (Dec. 6, 2006), the Commission may not arbitrarily disregard medical evidence supporting a claim. *Kimbell v. Ass'n Rehab Indus.*, \_\_\_ Ark. \_\_\_, \_\_\_ S.W.3d \_\_\_ (May 11, 2006); *Fayetteville Sch. Dist. v. Kunzelman*, 93 Ark. App. 160, \_\_\_ S.W.3d \_\_\_ (2005).

We therefore reverse and remand this case to the Commission to address the objective medical findings set forth above.

Reversed and remanded.

GLOVER and BAKER, JJ., agree.